

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
SEP 21 1995

REPLY TO THE ATTENTION OF:

Joe Lee

R-19J

Mr. Gary M. Davis
Vice President
Environmental Enterprises, Inc.
4650 Spring Grove Avenue
Cincinnati, Ohio 45232

Re: Commercial PCB Storage Approval
Environmental Enterprises, Inc.
Cincinnati, Ohio - OHD 083 377 010

Dear Mr. Davis:

Pursuant to the Federal Polychlorinated Biphenyl (PCB) regulations, 40 CFR Section 761.65(d), the United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed document entitled "Approval To Commercially Store Polychlorinated Biphenyls (PCBs)" to allow Environmental Enterprises, Inc. to commercially store PCB wastes for disposal.

This approval is based on U.S. EPA's determination that Environmental Enterprises, Inc. has completely and adequately satisfied the regulatory requirements specified in 40 CFR Section 761.65, Storage for Disposal.

This approval shall be effective today and shall remain effective for ten (10) years. However, the U.S. EPA may suspend or revoke this approval at any time in accordance with the approval conditions stated therein and/or when it has reason to believe that the continued operation of this facility presents an unreasonable risk to human health or the environment. Failure of Environmental Enterprises, Inc. to meet any portion of this approval could result in civil and/or criminal penalties.

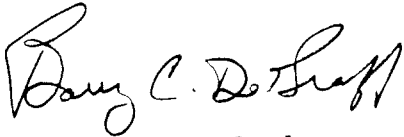
It is the responsibility of you and your company, Environmental Enterprises, Inc., to ensure that all applicable provisions of TSCA and Federal PCB regulations are followed.

Furthermore, this approval does not relieve Environmental Enterprises, Inc. of the responsibility to comply with all other Federal, State and local regulations and ordinances for operation and maintenance of the facility.

377-26

Please contact Kae Lee of my staff, at (312)886-1771, if you have any questions pertaining to this matter.

Sincerely yours,



for Valdas V. Adamkus
Regional Administrator

Enclosure

cc: Donald R. Schregardus, Director (w/Enclosure)
Ohio Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

IN THE MATTER OF:) APPROVAL TO COMMERCIALY
ENVIRONMENTAL ENTERPRISES, INC.) STORE POLYCHLORINATED
CINCINNATI, OHIO) BIPHENYLS (PCBs)

AUTHORITY

This approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976, Public Law No. 94-469, and the Federal PCB regulations, 40 CFR § 761.65(d).

BACKGROUND

Section 6(e)(1) of the Toxic Substances Control Act (TSCA) requires that the United States Environmental Protection Agency (U.S. EPA) promulgate rules for the disposal of PCBs. Rules implementing TSCA Section 6(e) were published in the May 31, 1979, Federal Register (44 FR 31542) and recodified in the May 6, 1982, Federal Register (47 FR 19527). Those rules also regulated the storage of PCB waste prior to disposal under the TSCA Section 6(e)(1) disposal authority for PCBs. Amendments to those rules were published in the December 21, 1989, Federal Register (54 FR 52746).

The current rules for PCB storage facilities are codified at 40 CFR § 761.65, Storage for Disposal. Those rules require, among other things, that facilities which store PCB waste generated by others, in quantities greater than 500 gallons, obtain a U.S. EPA approval. The December 21, 1989, Federal Register designated the U.S. EPA Regional Administrator of the region in which the storage facility is located (or the Director, Chemical Management Division [CMD], if the commercial storage area is ancillary to a facility approved for disposal by the Director, CMD) as the approval authority for commercial PCB storage facilities.

Environmental Enterprises, Inc. (EEI) is engaged in the storage of PCB waste and PCB Articles generated by others, in quantities greater than 500 gallons, at its facility in Cincinnati, Ohio. On February 5, 1990, the U.S. EPA granted EEI an interim approval to commercially store PCB waste. A commercial PCB storage approval application (application) was originally submitted to the U.S. EPA on August 2, 1990. Upon receipt of EEI's complete application, the February 5, 1990 interim approval was extended until the Regional Administrator made a final decision on the storage application.

After a technical adequacy review of the application, the U.S. EPA sent a Notice of Deficiencies (NOD) to EEI on June 26, 1991, notifying EEI of deficiencies in the application. In response to the NOD, the facility submitted a revised application on October 4, 1991. As a result of further review of the revised application, another NOD was sent by the U.S. EPA to the facility on February 8, 1995. The U.S. EPA received a response to the NOD from EEI on July 5, 1995. The U.S. EPA has determined that the final revised application is in compliance with the regulatory requirements, outlined at 40 CFR § 761.65, Storage for Disposal.

APPLICABLE REGULATIONS

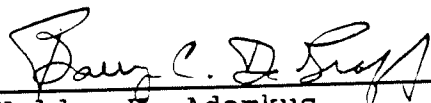
The conditions of this approval were developed in accordance with the applicable provisions of 40 CFR Part 761 and the October 18, 1989, TSCA Guidance Manual for Commercial PCB Storage Facility Applications.

APPROVAL

Approval is hereby granted to EEI, 4600 Spring Grove Avenue, Cincinnati, Ohio, at latitude North 39° 9' 10" and longitude West 84° 30' 45", to commercially store PCBs and PCB items for disposal, subject to the Approval Conditions stated herein, and based on the information described in the application.

This approval shall become effective on the date of signature and shall expire ten (10) years from the date of signature, unless revoked, suspended, or terminated in accordance with the Approval Conditions stated herein.

This approval does not relieve EEI from compliance with all applicable Federal, State and local regulatory requirements, including the Federal PCB regulations at 40 CFR Part 761.


for Valdas V. Adamkus
Regional Administrator

9/21/95
Date

ENVIRONMENTAL ENTERPRISES, INC.
CINCINNATI, OHIO

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I. STANDARD CONDITIONS

A. Effect of Approval

EEI may store PCBs and PCB items in accordance with these Approval Conditions and the Federal PCB regulations at 40 CFR Part 761. Any storage of PCBs and/or PCB items not authorized in this approval is prohibited.

Issuance of this approval does not convey property rights of any part or any exclusive privilege, nor does it authorize any injury to persons such as the EEI employees, agents or contractors, any property damage, any invasion of other private rights or any infringement of State or local laws or regulations.

Compliance with these Approval Conditions does not establish a defense to any other law that provides protection from any unreasonable risk to public health and the environment, including the Federal PCB regulations at 40 CFR Part 761.

This approval does not relieve EEI from compliance with all applicable Federal, State and local regulatory requirements, including the Federal PCB regulations at 40 CFR Part 761.

B. Approval Suspension/Revocation

Departure from these Approval Conditions, the approved application or approved modification(s) to this approval, or the Federal PCB regulations without a prior written approval by U.S. EPA may result in the immediate suspension of this approval and/or the commencement of proceedings to revoke this approval and/or appropriate enforcement action under any or all applicable statutes and regulations.

This approval may be suspended or revoked at any time by U.S. EPA when it has reason to believe that the continued operation of this facility presents an unreasonable risk to human health or the environment.

C. Approval Compliance

EEI must comply with and operate in accordance with the provisions of the Federal PCB regulations at 40 CFR Part 761 and with the Approval Conditions stated herein.

These Approval Conditions are based on the facts, representations, and certifications made by EEI in its application dated July 5, 1995, as amended (incorporated herein by reference).

In the event that these Approval Conditions are inconsistent with the application, EEI must abide by the Approval Conditions stated herein.

D. Severability

The provisions of this approval are severable, and if any provision of this approval or if the application of any provision of this approval is held invalid, the remainder of this approval must not be affected thereby.

E. Approval Renewal

To continue the commercial storage of PCBs and PCB items granted by this approval after the expiration date of this approval, EEI must notify U.S. EPA by written notice of intention to continue the approval at least 180 days, but not more than 270 days prior to the expiration date of this approval.

The U.S. EPA may require EEI to submit additional information in connection with its renewal application. U.S. EPA shall review the submitted information and determine if this approval is to be renewed.

F. Approval Expiration

This approval to commercially store PCBs shall expire nine years from the date of the Regional Administrator's issuance of this approval. This approval and its conditions herein will remain in effect beyond the approval expiration date if EEI has submitted a timely, complete and adequate notice of intent to continue the approval and, through no fault of EEI, the Regional Administrator has not issued an approval renewal.

G. Approval Modification

EEI shall notify U.S. EPA in writing of any intended major modification of this approval or EEI's application. A "major modification" is defined as any change to the storage area, the maximum PCB storage inventory, the closure plan, or any other changes which affect overall performance or environmental impact. This approval or EEI's application shall be modified only upon the written approval of the Regional Administrator.

H. Entry and Inspection

EEI shall allow U.S. EPA authorized representative(s), including the Ohio EPA, to, at reasonable times:

1. Inspect EEI's property to determine compliance with this approval or the Federal PCB regulations;
2. Inspect any records that must be kept relative to this approval or the Federal PCB regulations;
3. Take sample(s) for the purpose of assessing this approval or the Federal PCB regulations; and
4. Inspect EEI's activities relative to this approval or the Federal PCB regulations.

I. Change in Ownership

The U.S. EPA will recognize the transfer of this approval to a new owner/operator if all of the following conditions are met:

1. The transferee demonstrates it has established, by the date of transfer, financial assurance for closure of the facility pursuant to 40 CFR § 761.65(g) using a mechanism effective as of the date of final approval so that there will be no lapse in financial assurance for closure of the transferred facility.
2. The transferee submits a new and complete application for final storage approval including all of the elements listed in 40 CFR § 761.65(d).
3. The transferee submits a signed and notarized affidavit which states that the transferee shall comply with all the terms and conditions of this approval.

Failure by EEI or the transferee to comply with any of the provisions of this condition shall render this approval null and void.

J. Inapplicability of Paperwork Reduction Act

Any and all information required to be maintained or submitted pursuant to this approval is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., because it is information collected by U.S. EPA from a specific individual or entity for the purpose of assuring compliance with this approval.

II. GENERAL FACILITY CONDITIONS

A. Operation of Facility

EEI must maintain and operate the facility to prevent fire, explosion, or releases of PCBs to air, soil, ground water or surface water.

B. Sampling/Analysis

During any sampling or analysis of PCBs at the EEI facility, EEI must follow the procedures described in the Quality Assurance Quality Control Manual (QAQC) included in the application or the EPA Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup.

PCB levels for liquid, non-liquid, and wipe samples must be reported as total PCBs calculated by comparison to the relevant Aroclor standards.

C. Security

The EEI site must be secured to restrict public access.

D. Personnel Training

1. All employees hired subsequent to the date of this approval must be trained, as specified in the worker training program included in the application, within the first 60 days of employment.
2. EEI shall be responsible for ensuring that personnel, who are directly involved with handling PCBs and PCB items, are familiar with the requirements of this approval, and the regulatory requirements under 40 CFR Part 761.

E. Safety and Health

1. EEI must comply with the Site Health and Safety Plan (SHSP) described in the revised application.
2. EEI must ensure compliance with the applicable health and safety standards, as required by Federal, State and local regulations and ordinances.

F. Spills

1. If in the course of operation, there is a spill or release of one pound or more of pure PCBs (a reportable quantity [RQ] as defined under the Comprehensive Environmental Response Compensation and Liability Act, 40 CFR Part 302,

Designation Reportable Quantities and Notification) the permittee must notify the National Response Center at (800) 424-8802, and U.S. EPA, Regional Office, PCB Control Section, at (312) 886-7061. Releases or spills of PCBs below the RQ which pose a potential for significant exposure to humans, animals, or the environment, shall be reported to the U.S. EPA Regional Office, PCB Control Section, (312) 886-7061, or the Emergency Response Section at (312) 353-2318.

2. A written summary report about this incident must be submitted to U.S. EPA within five (5) business days following the incident. When the U.S. EPA requests a detailed report on the incident, this report shall be submitted to the U.S. EPA within fifteen (15) business days following the request. The detailed report shall include, but not be limited to, a description of the spill, cleanup activities, and changes in the EEI operations to prevent such spills in the future.
3. Cleanup of PCB spills shall begin immediately pursuant to 40 CFR Part 761, Subpart G, PCB Spill Cleanup Policy.
4. Any debris or solid wastes generated as a result of clean up or decontamination of a PCB spill or release shall be disposed of in a facility approved to dispose of PCBs under 40 CFR Section 761.60.

G. Location Standard

EEI must notify the U.S. EPA Regional Office, PCB Control Section at (312) 886-7061, immediately upon discovery that the site has been redesignated as being in a 100-year flood plain.

H. Emergency Procedures

EEI must, without delay, implement the appropriate measures described in the SHSP included in the revised application whenever there is a fire or any PCB related emergency which could threaten human health or the environment. These plans must be maintained at the facility and must also be submitted to the local police and fire departments, hospital and State and local emergency response teams. In such an emergency, EEI must notify the U.S. EPA, Region 5, PCB Control Section, (312) 886-7061, or the Emergency Response Section at (312) 353-2318.

The plans must be immediately amended by EEI upon any revision of the facility approval, plan failure in an emergency, change of emergency equipment, or any change within the facility or with personnel, and promptly submitted to the U.S. EPA, Regional Office for review and approval.

I. Recordkeeping and Reporting

1. All reports and other information requested by U.S. EPA shall be signed by the EEI Vice President.
2. EEI must maintain the records of daily storage inspection, as specified in Condition III, H, of this approval, and these records must be made available to U.S. EPA upon request.
3. EEI shall retain all records required by this approval or the Federal PCB regulations at 40 CFR Part 761 during the course of any unresolved enforcement action regarding the facility or upon request by the Regional Administrator, notwithstanding any other provision of this approval or the Federal PCB regulations at 40 CFR Part 761.

J. Closure and Financial Requirements

1. EEI must maintain a closure plan and financial assurance for closure, in accordance with 40 CFR Section 761.65(e), (f) and (g), respectively. The facility has filed with the Regional Administrator a closure plan and financial assurance for closure in compliance with the regulatory requirements. The closure plan and financial assurance documents are included in EEI's final approved application dated July 5, 1995, as amended (incorporated herein by reference).
2. When the Regional Administrator approves a modification to the facility's closure plan and that modification increases the cost of closure, EEI shall revise the closure cost estimate and the financial assurance mechanism, if applicable, no later than thirty (30) days after the modification is approved.
3. During the active life of the PCB storage operations, EEI must annually adjust the closure cost estimate for inflation and for changes beyond control of EEI which may effect disposal costs.

III. PCB STORAGE MANAGEMENT

A. Storage Area

All PCB containers, PCB transformers, PCB capacitors and light ballasts must be stored in the approved curbed PCB STORAGE AREA, as identified in the final approved application.

B. Design Requirements of Storage Area

The PCB storage area shall be maintained in accordance with the requirements at 40 CFR Section 761.65(b)(1) and as specified in the final approved application.

C. Maximum PCB Storage

EEI shall store no more than a combined total of 4,684 gallons of liquid PCBs or non-liquid PCBs in the PCB containers and/or PCB articles in the curbed storage area at any one time. The maximum amount of 55-gallon containers or equivalent and/or the combined nominal internal volume of PCB articles that EEI can put in storage at any one time is as follows:

PCB CONTAINERS

MAXIMUM INVENTORY

Liquid PCBs in cans/drums,
non-liquid PCBs in drums, non-leaking
PCB articles in crates, as regulated.....4,400 gallons

TRANSFORMERS

PCB and PCB contaminated transformers
(full/draind/flushed).....284 gallons

TOTAL.....4,684 gallons

EEI shall maintain updated PCB inventories to ensure that the maximum PCB storage inventories (above) are not exceeded, respectively.

D. Containers

PCB containers used by EEI shall be limited to 5-gallon to 20-gallon capacity cans, 30-gallon and 55-gallon drums and 85-gallon and 110-gallon overpack drums for storage of liquid and non-liquid PCBs, and 4'x 4'x 4' (478 gallon) wooden crates for the storage of non-leaking PCB articles. The cans, drums and overpack drums shall be in compliance with the requirements at 40 CFR Section 761.65(c)(6) or the Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 171-180.

E. Aisle Space Requirement

Aisle space within the curbed storage area must be maintained at all times to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment.

F. Pallet Use and Drum Layer Limit

EEI may use pallets to store PCBs within the curbed storage area, but:

1. EEI must not stack pallets with 30-gallon or larger capacity containers over two (2) layers;
2. EEI must not stack containers of less than 30-gallon capacity over two (2) layers on a pallet and the containers must be nested; and
3. EEI must not stack pallets with stacked containers of less than 30-gallon capacity over two (2) layers.

G. Management of PCB Items

PCB containers and PCB articles shall always be closed during storage, except when adding, removing or draining their contents, and they must not be opened, handled or stored in a manner which may damage them or cause them to leak.

If any PCB container or PCB article is defective, EEI shall immediately transfer the PCB waste in the container or article to a container that is properly marked and structurally sound.

EEI shall only use the loading/unloading dock located on the northwest side of the facility for the management of PCB waste.

H. Inspection Requirement

All PCB articles and PCB containers shall be inspected for leaks at least once each working day. Any leaking PCB item and its contents shall be transferred immediately to properly marked non-leaking containers. Leaked or spilled materials must be instantly and properly cleaned up in accordance with Condition II, F. 3, of this approval and the PCB contaminated materials must be adequately disposed of in accordance with 40 CFR Section 761.60.

I. Routine Sampling Requirement

EEI must implement the sampling plan for monitoring surface contamination outside of the curbed storage area, as described in Attachment E of the revised application. The timeframe for wipe sampling must be once each month.